

The Examiner has objected to the disclosure because of an informality cited on page 14, line 18, where a closing parentheses is missing from the text. The Applicants have examined the text. However, the Applicants are unable to find any parenthetical phrase on line 14 of the application and respectfully request clarification from the Examiner.

Claims 1 and 3-8 were pending at the time of the issuance of the currently outstanding Official Action.

More particularly, in the currently outstanding Official Action:

1. Claims 1 and 3-8 are rejected under 35 USC 102(b) as being anticipated by the Gizurarson, et al. reference (US Patent No. 5,942,237).

2. Claims 1, 3-5 and 7-8 are rejected under 35 USC 102(e) as being anticipated by the Jensen, et al. reference (US 2002/0187157 A1).

Applicant respectfully disagrees and submits that the law of anticipation is well settled to the effect that:

“A claim is **anticipated** only if **each and every** element as set forth in the claim is found either expressly or inherently described in a single prior art reference” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131.
(Emphasis added)

Further, Applicants respectfully submit that this standard is not met when either of the Gizurarson or Jensen references relied upon by the Examiner is compared with the invention herein claimed.

More particularly, Applicants respectfully submit that the Examiner has failed to construe each claim originally presented in this application as **a whole** in his independent application of both cited references thereto. In addition, Applicant respectfully submits that the Examiner has misapprehended the teachings of the Gizurarson and Jensen references, independently, as

they apply to the present invention in his contention that the Gizurarson serves as a 102(b) reference and Jensen serves as a 102(e) reference, teaching every element of the instant method claims.

In order to fully understand the above-summarized arguments, it is necessary to fully understand what the Gizurarson and Jensen references in fact do teach, disclose and/or suggest to one of ordinary skill in the art at the time the present invention was made.

A close reading of the Gizurarson reference reveals that it is directed to novel type of formulation for the topical administration of antigens and/or vaccines to mammals via mucosal membranes comprising one or more adjuvants/vehicles. This formulation enhances the immunological response in a mammal following mucosal administration, e.g. nasal, oral, rectal or vaginal application. The invention is a process of immunization, not a specific therapy for a specific disease or disorder. The diphtheria toxoid was used in three of the examples of the '237 patent as an illustrative immunogen/antigen for the purpose of demonstrating that the formulations of Gizurarson can provide an improved method of administration of antigens or vaccines resulting in a high systemic immune response.

In contrast to the above method of immunization, the Applicant's present invention, relates to methods of treating a neurodegenerative disease by administering an agent which will inhibit and/or reverse ADP-ribosylation of elongation factor-2 (EF-2) in neuronal cells, whereby neuron degeneration is ameliorated. Nowhere does Gizurarson teach that inhibition and/or reversal of ADP-ribosylation of elongation factor-2 (EF-2) in neuronal cells will result in amelioration of neuron degeneration. In other words, Gizurarson does not teach a specific therapy (i.e., administering an agent that inhibits or reverses ADP-ribosylation) for a specific indication (i.e., ameliorating neuronal degeneration).

A close reading of the Jensen reference reveals that it is directed to a method for in vivo down-regulation of amyloid protein in a human being by presenting to the person's immune system an immunogenically effective amount of at least one amyloidogenic polypeptide which has been formulated so that immunization of the animal with the amyloidgenic polypeptide

induces production of antibodies against the amyloidogenic polypeptide. Thereby, a strong immune response is generated against either the amyloid, against one or more of the components included in the deposits, or against one or more of the proteins responsible for amyloid formation. Described also is the preparation of such vaccines for the prevention, possible cure or alleviation of the symptoms of such diseases associated with amyloid deposits, including Alzheimer's Disease, a neurodegenerative disease. The use of diphtheria toxoid is cited in the '157 application merely as a traditional carrier molecule for immunization.

In contrast to the above method of immunization against amyloid, the Applicant's present invention, relates to methods of treating a neurodegenerative disease by administering an agent which will inhibit and/or reverse ADP-ribosylation of elongation factor-2 (EF-2) in neuronal cells, whereby neuron degeneration is ameliorated. In Jensen, the effect of treatment is not due to the administration of the diphtheria toxoid, but rather by the administration of amyloid, to which a strong immune response is generated. As with the Gizurarson reference, the toxoid is used for augmenting the immune response, and not for having a specific therapeutic effect, in and of itself.

In summary, therefore, it is believed that the foregoing discussion of the Gizurarson and Jensen references in comparison with the present invention clearly and persuasively points out the distinctions between the them. It also is respectfully submitted that upon reconsideration of the present application and the cited Gizurarson and Jensen references in view of the foregoing discussion, the Examiner will agree that the Applicants' inventions are clearly and definitely patentably distinct.

For each and all of the foregoing reasons and in view of the foregoing remarks, it is believed that Claims 1 and 3-8 are in condition for allowance. Favorable reconsideration and allowance of this application, therefore, is respectfully requested in response to this communication.

Applicants believe that additional fees are not required to complete the filing requirements for the subject application or otherwise in connection with this submission. However, if a fee is

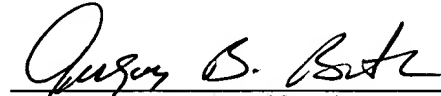
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U.S.S.N. 09/816,289

required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby
authorized and requested to charge/credit Deposit Account No. **04-1105**

Respectfully submitted,

Date: July 18, 2003

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